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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-331

13 **BERNARD EDWARD STUBBS**  
2806 Victoria Drive  
14 Picayune, Mississippi 39466

**A C C U S A T I O N**

15 Registered Nurse License No. 608982

Respondent.

16  
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the  
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer  
21 Affairs.

22 **License History**

23 2. On or about November 7, 2002, the Board issued Registered Nurse  
24 License Number 608982 ("license") to Bernard Edward Stubbs ("Respondent"). The license  
25 expired on March 31, 2004, and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions ("Code") provides, in  
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code  
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764, in pertinent part, that the expiration of a license shall  
4 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
5 licensee or to render a decision imposing discipline on the license. Under Code section 2811,  
6 subdivision (b), the Board may renew an expired license at any time within eight years after the  
7 expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,  
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to  
10 proceed with a disciplinary action during the period within which the license may be renewed,  
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or  
14 licensed nurse or deny an application for a certificate or license for any of  
the following:

15 (a) Unprofessional conduct, which includes, but is not limited  
16 to, the following:

17 (4) Denial of licensure, revocation, suspension, restriction, or  
18 any other disciplinary action against a health care professional license or  
19 certificate by another state or territory of the United States, by any other  
government agency, or by another California health care professional  
licensing board. A certified copy of the decision or judgment shall be  
conclusive evidence of that action.

#### 20 **COST RECOVERY**

21 7. Code section 125.3 provides, in pertinent part, that the Board may request  
22 the administrative law judge to direct a licensee found to have committed a violation or  
23 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
24 and enforcement of the case.

#### 25 **CAUSE FOR DISCIPLINE**

##### 26 **(Out-of-State Discipline)**

27 8. Respondent is subject to disciplinary action under Code section 2761,  
28 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined

1 by the Louisiana State Board of Nursing ("Louisiana Board"). Effective June 4, 2007,  
2 Respondent's Registered Nurse License was suspended for a minimum of six months, and  
3 Respondent was ordered to return his 2007 license to the Louisiana Board and to remain in full  
4 compliance with the Louisiana Board's Recovering Nurse Program for a minimum of six months  
5 before applying for reinstatement of his license. A copy of the Final Order is attached as  
6 **Exhibit A**, and is incorporated herein.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
9 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 10 1. Revoking or suspending Registered Nurse License Number 608982 issued  
11 to Bernard Edward Stubbs;  
12 2. Ordering Bernard Edward Stubbs to pay the Board the reasonable costs of  
13 the investigation and enforcement of this case, pursuant to Code section 125.3; and,  
14 3. Taking such other and further action as deemed necessary and proper.  
15

16 DATED: 5/22/08


17  
18   
19 RUTH ANN TERRY, M.P.H., R.N.  
20 Executive Officer  
21 Board of Registered Nursing  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant  
25  
26  
27  
28

Exhibit A

# Louisiana State Board of Nursing

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 or (225) 763 3577 Fax: (225) 763-3580

[www.lsbns.state.la.us](http://www.lsbns.state.la.us)

## Certified Mail

## Return Receipt Requested

June 4, 2007

Bernard Edward Stubbs  
2806 Victoria Dr  
Picayune, MS 39466

Dear Mr. Stubbs:

Reference is to the Program Agreement signed with the Recovering Nurse Program, effective May 21, 2007. This agreement allowed that your Louisiana RN license be retained, contingent upon adherence to stipulations, specifically, that you adhere to all stipulations of the Recovering Nurse Program. A review of your file reveals that you are not in compliance with the aforementioned agreement.

On May 31, 2007, the Recovering Nurse Program (RNP) reported that you were out of compliance with stipulations of RNP, in that:

- On March 30, 2007, you submitted a screen which tested positive for Morphine and Oxazepam; after a positive confirmation of the Oxazepam you were informed this was a first relapse and you would need to complete a five-day inpatient evaluation.
- On May 14, 2007, a report was received from the inpatient treatment facility with the recommendation that you complete a residential treatment program.
- On May 21, 2007, a letter was sent informing you that you would need to follow the recommendation in order to be compliant with your RNP agreement.
- On May 31, 2007, you informed RNP that you would not be able to comply with the recommendation at this time and you understood that your license would be suspended for non-compliance.

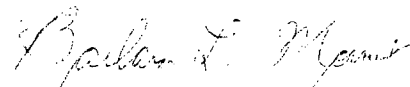
The Board Agreement provides that failure to comply with the stipulations of RNP will result in the immediate suspension of your license. Therefore, **your Louisiana RN license is suspended for a minimum of six (6) months and you are directed to return your 2007 license immediately to the Board.**

**YOU ARE TO CEASE AND DESIST IMMEDIATELY THE PRACTICE OF NURSING IN LOUISIANA.**

You are further advised that you should re-enter and remain in full compliance with RNP for a minimum of six (6) months before applying for reinstatement.

If you are able to show error in the staff's action then you must so notify the Board in writing within ten (10) days of this date.

**LOUISIANA STATE BOARD OF NURSING**



Barbara L. Morvant, MN, RN  
Executive Director

BLM/cms

cc: Kindred Hospital  
Attn: Yolanda Wilson

Paul Schoen, RNP Group Facilitator

# Louisiana State Board of Nursing

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 Fax: (225) 763-3580

<http://www.lsbns.state.la.us>

October 9, 2007

California Board of Registered Nursing

Attn: Kristi Powell

1625 N. Market Blvd., Ste N217

Sacramento, CA 95834

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **BERNARD EDWARD STUBBS, SS# [REDACTED]**, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this 9<sup>th</sup> October, 2007.

LOUISIANA STATE BOARD OF NURSING

*Barbara L. Morvant, MN, RN*

BARBARA L. MORVANT, MN, RN  
EXECUTIVE DIRECTOR

BOARD SEAL

By 

Joy Peterson, BSN  
Regional Manager

Enclosures

BLM/JAP/lmt